



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

AURORA LOAN SERVICES, LLC,
Plaintiff,

vs.

YOLANDA GARCIA, et al.,
Defendants.

CASE NO. SACV 12-01261 UA (DUTYx)

ORDER SUMMARILY REMANDING
IMPROPERLY-REMOVED ACTION

The Court will remand this unlawful detainer action to state court summarily because Defendants removed it improperly.

On August 6, 2012, Defendant Yolanda Garcia, having been sued in what appears to be a routine unlawful detainer action in California state court, lodged a Notice Of Removal of that action to this Court and also presented an application to proceed *in forma pauperis*. The Court has denied the latter application under separate cover because the action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

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1 Simply stated, Plaintiff could not have brought this action in federal court in the
2 first place, in that Defendant does not competently allege facts supplying either diversity
3 or federal-question jurisdiction, and therefore removal is improper. 28 U.S.C. § 1441(a);
4 *see Exxon Mobil Corp v. Allapattah Svcs., Inc.*, 545 U.S. 546, 563, 125 S. Ct. 2611, 162
5 L. Ed. 2d 502 (2005). Even if complete diversity of citizenship exists, the amount in
6 controversy does not exceed the diversity-jurisdiction threshold of \$75,000. *See* 28
7 U.S.C. §§ 1332, 1441(b). On the contrary, the unlawful-detainer complaint recites that
8 the amount in controversy does not exceed \$10,000.

9 Nor does Plaintiff's unlawful detainer action raise any federal legal question. *See*
10 28 U.S.C. §§ 1331, 1441(b).

11 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the
12 Superior Court of California, Orange County, Central Justice Center, 700 Civic Center
13 Drive West, Santa Ana, California, 92701, for lack of subject matter jurisdiction
14 pursuant to 28 U.S.C. § 1447(c); (2) that the Clerk send a certified copy of this Order to
15 the state court; and (3) that the Clerk serve copies of this Order on the parties.

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17 IT IS SO ORDERED.

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19 DATED: August 10, 2012

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AUDREY B. COLLINS
22 CHIEF JUDGE
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